

Craig S. Friedman (CF-1988)
Matthew W. Lampe (*pro hac vice* application pending)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939
Attorneys for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA JACKSON,

Plaintiff,

-against-

THE SCOTTS COMPANY

Defendant.

08 Civ. 1064 (LAK)

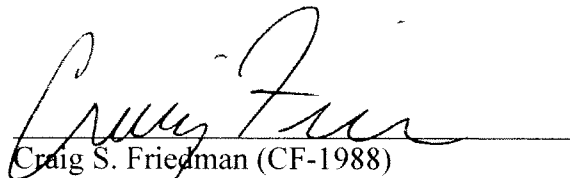
NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed Declarations of Craig S. Friedman, dated April 10, 2008, and of Carmen G. West, dated March 7, 2008, each together with the exhibits thereto, Defendant The Scotts Company LLC (incorrectly named in the Complaint as "The Scotts Company") will move this Court, before the Honorable Lewis A. Kaplan, United States District Judge, United States Courthouse, 500 Pearl Street, New York 10007, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss with prejudice (i) Causes of Action Four through Eleven, (ii) Plaintiff's claim for a declaratory judgment, (iii) Plaintiff's claims for punitive damages and attorneys' fees, and (iv) Causes of Action One through Three

and, to the extent not dismissed, Causes of Action Four through Seven to the extent they are time-barred. A memorandum of law is being filed simultaneously with the motion.

Dated: New York, New York
April 10, 2008

JONES DAY

A handwritten signature in cursive script, appearing to read "Craig S. Friedman", written over a horizontal line.

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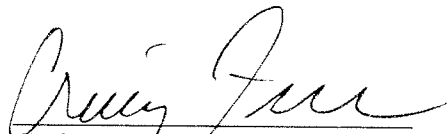
Attorneys for Defendant

TO: Sandra Frelix, Esq.
110 Wall Street, 11th Floor
New York, New York 10005
(212) 859-3509

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing NOTICE OF MOTION, attached DECLARATION OF CRAIG S. FRIEDMAN, and the exhibits thereto, and attached DECLARATION OF CARMEN G. WEST, and exhibits thereto, to be served on the following counsel of record this 10th day of April, 2008 by forwarding a copy, by First Class Mail, addressed to:

Sandra D. Frelix, Esq.
110 Wall Street, 11th Floor
New York, New York 10005
(212) 859-3509


Craig S. Friedman